

Kenneth W. Harper
Menke Jackson Beyer, LLP
807 North 39th Avenue
Yakima, WA 98902
509-575-0313
Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BUDGET ARBOR & LOGGING,
LLC, a Washington limited liability
company,

Plaintiff,

v.

CITY OF SPOKANE VALLEY,

Defendant.

NO.

NOTICE OF REMOVAL
OF ACTION UNDER
28 U.S.C. § 1441(a)
(FEDERAL QUESTION)

[From Spokane County Superior
Court Cause No. 20-2-02122-32)

TO: CLERK OF THE ABOVE-ENTITLED COURT

PLEASE TAKE NOTICE that defendant hereby removes to this Court
the state court action described below:

1. An action was commenced in the Superior Court of the State of
Washington in and for Spokane County entitled *Budget Arbor & Logging,
LLC, a Washington limited liability company v. City of Spokane Valley*,
attached hereto as Exhibit 1. The complaint was filed on August 5, 2020.

NOTICE OF REMOVAL OF ACTION - 1

MENKE JACKSON BEYER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

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2
3 2. The date upon which defendant received a copy of the said
4
5 complaint was August 6, 2020, when Spokane Valley City Manager Mark
6 Calhoun received a copy of the same together with a summons. A copy of the
7 summons is attached hereto as Exhibit 2.
8

9 3. This action is a civil action of which the Court has original
10 jurisdiction under 28 U.S.C. § 1331, and is one that may be removed to this
11 Court by defendant pursuant to the provisions of 28 U.S.C. § 1441(a), in that it
12 arises under the United States Constitution and 42 U.S.C. § 1983. The
13 complaint alleges causes of action invoking 42 U.S.C. § 1983 as a result of the
14 alleged violation of plaintiff's rights to due process, equal protection, and the
15 Eighth Amendment of the United States Constitution. *See* Exhibit 1
16 (complaint) at ¶¶ 3.1 – 7.3.
17
18

19
20 4. Defendant City of Spokane Valley is the sole defendant in this
21 matter and hereby consents to the removal of this case to this Court.
22

23 5. All other pleadings filed in the state court action are attached
24 hereto as Exhibit 3.

25 DATED this 14th day of August, 2020.

26
27 s/ KENNETH W. HARPER
28 WSBA #25578
29 Menke Jackson Beyer, LLP

30 NOTICE OF REMOVAL OF ACTION - 2

MENKE JACKSON BEYER, LLP
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Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

Attorneys for Defendant
807 North 39th Avenue
Yakima, Washington 98902
Telephone: (509) 575-0313
Fax: (509) 575-0351
Email: kharper@mjbe.com

CERTIFICATE OF SERVICE

I hereby certify that on August 14th, 2020, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Robb E. Grangroth
Douglas R. Dick

robb@spokelaw.com
doug@spokelaw.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/KENNETH W. HARPER
WSBA #25578
Attorneys for Defendant
Menke Jackson Beyer, LLP
807 North 39th Avenue
Yakima, Washington 98902
Telephone: (509) 575-0313
Fax: (509) 575-0351
Email: kharp@mjbe.com